

Brighton & Hove City Council

Licensing Committee (Non-Licensing Act 2003 Functions)

Agenda Item 16

Subject: Taxis & Private Hire Wheelchair Accessible Vehicle Consultation

Date of meeting: 06 February 2025

Report of: Interim Director of City Operations

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 To report on the Public & Trade consultation regarding Wheelchair Accessible Vehicles and Electric Vehicles.

2. Recommendations

2.1 That Members agree the following:

2.2 Remove the requirement for Operators to have 20% of the fleet wheelchair accessible when their fleet reaches 100 vehicles.

2.3 To be considered suitable to hold a Brighton & Hove Operator Licence, operators must provide wheelchair accessible services to disabled passengers in wheelchairs.

2.4 Allow proprietors with a compulsory wheelchair accessible vehicle who are unable to drive a wheelchair vehicle due to a medical or physical reason to transfer their compulsory wheelchair accessible vehicle and then be issued new plate for a Compulsory Fully Electric, Plug in Hybrid or Wheelchair Accessible Vehicle.

2.5 Wheelchair accessible vehicles may exceed the normal age limit for a maximum of 4 years until 1st April 2027.

2.6 Fully electric vehicles to be licensed up to 15 years from date of first registration.

3. Context and background information

3.1 The public survey was seeking views from people who live or work in Brighton & Hove as part of a consultation on accessibility of our taxi and private hire fleet of wheelchair accessible taxis so that the Council could improve the experience for wheelchair users, disabled passengers and passengers who have difficulties with mobility and to understand the needs of passengers who use wheelchair accessible vehicles.

The survey covered taxis that are accessed via one of the city's taxi ranks, hailed as they drive along or booked in advance through a private hire operator.

The Consultation was open on the Councils Your Voice website from the 15 August 2024 to the 13 October 2024 and then extended to the 24 November 2024 so that additional stakeholders could respond.

The consultation was open to all members of the public. In addition, a wide selection of stakeholders was emailed directly requesting that their services users/members complete the survey.

3.2 Key Findings

- **Mobility and Accessibility Needs:**

- A significant portion of respondents (67.2%) reported that their day-to-day activities are limited due to a health condition or disability.
- Common aids used include walking sticks, crutches, and wheelchairs.

- **Taxi and Private Hire Usage:**

- 52.2% of respondents are occasional users of taxis or private hire vehicles.
- 34.3% are regular users, while 10.4% rarely use these services.

- **Challenges and Barriers:**

- Many respondents highlighted issues with the availability and suitability of wheelchair-accessible vehicles (Wheelchair Accessible Vehicles).
- 53.7% believe there are too few Wheelchair Accessible Vehicles to meet demand.

- **Driver and Operator Conduct:**

- Mixed feedback on driver assistance, with some respondents feeling that drivers do not understand their needs.
- 26.9% felt that taxi drivers do not understand their disability or travel requirements.

- **Recommendations for Improvement:**

- Increased disability awareness training for drivers and operators.
- Stronger enforcement against discrimination.
- A wider variety of Wheelchair Accessible Vehicles to cater to different needs.

Demographic Information

- **Gender:** 40.3% female, 23.9% male, with a significant portion preferring not to disclose.
- **Age:** Participants ranged across various age groups, with the majority being between 45 to 64 years old.
- **Ethnicity:** Predominantly White British, with a small representation from other ethnic groups.

Conclusion

The consultation highlights the need for better accessibility and more inclusive services in the taxi and private hire sector in Brighton & Hove. The feedback will be used to inform future policies and improvements to enhance the travel experience for individuals with disabilities and mobility challenges.

3.3 The full results of the Public Survey can be seen in Appendix 1

3.4 The trade survey was seeking views from drivers, proprietors and operators licensed by the council as part of a consultation on wheelchair accessible taxis and how the council can reduce taxi vehicle emissions. The survey on electric vehicles was added to discover the reasons for the low uptake of electric vehicles and what would assist proprietors to change to electric. The consultation was restricted to only licensed drivers, proprietors, and operators and covered taxis that are accessed via one of the city's taxi ranks, hailed as they drive along or booked through a private hire operator in advance. The consultation was available on the Councils Your Voice website and was available from the 15 August 2024 until 13 October 2024. The results of the survey and subsequent proposals were discussed at a special meeting with the Trade members of The Brighton & Hove Hackney Carriage & Private Hire Consultation Forum on the 26 November 2024.

3.5 Key Findings

- **Wheelchair-Accessible Vehicles (Wheelchair Accessible Vehicles) Policy:**
 - Mixed opinions on the current policy requiring operators with at least 100 vehicles to have 20% Wheelchair Accessible Vehicles.
 - Some respondents suggest lowering the percentage to 5%, while others propose increasing it to 40%.
 - Concerns about drivers refusing wheelchair jobs and the financial burden of maintaining Wheelchair Accessible Vehicles.
- **Environmental Concerns:**
 - Larger Wheelchair Accessible Vehicles are seen as less fuel-efficient and environmentally friendly.
 - Financial challenges in operating Wheelchair Accessible Vehicles due to higher costs and maintenance.
- **Electric Vehicles (EVs):**
 - Barriers to EV adoption include high vehicle prices, lack of charging infrastructure, and limited range.
 - Incentives suggested including discounted EV charging, reduced license fees, and financial assistance for purchasing EVs.
- **Policy Impact and Recommendations:**
 - The current policy is seen as financially burdensome for drivers and may deter new drivers from entering the trade.
 - Suggestions for improvement include enforcing penalties for operators who refuse wheelchair jobs, providing financial incentives, and standardizing WAV requirements across different authorities.
- **Demographic Information:**
 - Majority of respondents are male (61.2%) and aged between 45 to 64 years old.
 - Predominantly White British, with a small representation from other ethnic groups.

Conclusion

The consultation highlights the need for a balanced approach to WAV and EV policies that consider both accessibility and environmental impact. Financial incentives and better enforcement mechanisms are recommended to improve the availability and quality of WAV services while encouraging the transition to EVs.

- 3.6** The full results of the Trade Survey can be seen in Appendix 2
- 3.8** Officers are recommending that the requirement for operators to have 20% of their fleet be wheelchair accessible be removed once their fleet reaches 100 vehicles. In practice this requirement has not worked as intended and rather than operators having more vehicles on their circuit, they encourage drivers from other districts where there is not the same condition to work in the City. This is to the detriment of Brighton & Hove licensed drivers who cannot join the operator's circuit. Officers are also unable to effectively enforce this condition and rely on operators reporting numbers of vehicles accurately and there is no guarantee that wheelchair vehicles on a circuit would be out working at any one time. Theoretically operators could bypass the restriction by having additional licences and operate 99 vehicles on each licence making the condition unworkable. Since this policy was put in place the way drivers now work has changed particularly since Covid 19. Many drivers now work for multiple operators at the same time via apps, making it difficult for operators to know how many wheelchair-accessible vehicles are being used at any given moment.
- 3.9** The report highlights that there is a perception that the demand for wheelchair-accessible vehicles does not justify the higher costs and maintenance required for these specialised vehicles. Some respondents believe there is a shortage of drivers willing to operate wheelchair-accessible vehicles, while others argue the demand for these vehicles is quite low, only around 1-2% of the market. Overall, Officers are recommending relaxing the requirement for a certain percentage of wheelchair-accessible vehicles on an operator's circuit, as the current policy may not be fully meeting the needs of the market, operators, proprietors, and drivers.
- 3.10** A common concern raised in the survey is that having wheelchair-accessible vehicles in the fleet does not guarantee that drivers will accept wheelchair-using passengers and some feel that drivers should not be able to refuse these jobs. It is believed that the removal of the 20% requirement will have a minimal effect for wheelchair users as these vehicles will still be available as drivers will need to continue to receive all work via their chosen operator. It will also mean that operators will be able to have more Brighton & Hove drivers on their circuit without having the restriction of finding more wheelchair accessible vehicles.
- 3.11** The Trade requested that if the 20% requirement was removed there should be another requirement for operators to provide a wheelchair accessible service. Following further consultation with operators Officers recommend that to be considered suitable to hold a Brighton & Hove Operator Licence, operators must provide wheelchair accessible services to disabled passengers in wheelchairs. Small operators would be expected to have an agreement to pass any bookings to another operator that provides a wheelchair service as they do now. This will ensure that operators continue to provide a service to disabled passengers in wheelchairs.

- 3.12** The Council has several policies to maintain and encourage the take up of Wheelchair Accessible Vehicles including all vehicles capable of carrying 5 or more passengers must be Wheelchair Accessible, Hackney Carriages carrying 5 or more passengers may charge 1.5 x the normal fare. Recently the emphasis has moved away from wheelchair vehicles to cleaner fuel vehicles with any new plates issued from the waiting list being Fully, Electric, Plugin Hybrid or Wheelchair Accessible. The Council licences as wide a range of accessible vehicles as possible to cater for different disabilities or size/type of wheelchair but this does not mean a suitable vehicle will be available when required.
- 3.13** The statistics from the Department of Transport for 2024 shows that the % of wheelchair accessible vehicles in fleets in England outside London for taxis is 15.6% and private hire 5.2%. This compares to Brighton & Hove having 45% of its taxis fleet & 19% of its private hire fleet wheelchair accessible. With the Department for Transport's Best Practice guidance states that Councils should incentivise the uptake of wheelchair accessible vehicles where mandating them would be inappropriate.
- 3.14** The Unmet Demand Survey undertaken in 2022 completed a national comparison of wheelchair provision. For this study, the latest national Department for Transport (DfT) statistics for 14 other authorities with specific reference to the level of wheelchair accessible vehicle provision. At the end of March 2022, DfT figures show Brighton and Hove had one wheelchair accessible vehicle for every 1,000-resident population. From the list of 14, only three authorities had higher levels of provision – two of which were large cities (Liverpool at 2.9 and Manchester at 2.0), both of whom have fully wheelchair accessible vehicle hackney carriage fleets. Plymouth had just marginally more (1.1), also until recently having a fully wheelchair accessible vehicle fleet. The average English value was 0.6 vehicles. When considering private hire wheelchair accessible vehicles, the comparison is even more favourable. Brighton and Hove have the highest provision at 0.32 private hire vehicle per thousand resident population: four times the English average and over twice the next highest level of 0.15 in Manchester. When considered as a total licensed vehicle fleet, Brighton and Hove is third in the list of 14 with 1.4 wheelchair accessible vehicle per thousand resident population. This means the total fleet of Brighton and Hove has unrivalled levels of wheelchair accessible vehicle even with no mandatory policy in place. This is a truly remarkable achievement.
- 3.15** Respondents have mixed opinions about the current policy requiring operators with at least 100 vehicles to have 20% wheelchair-accessible vehicles (Wheelchair Accessible Vehicles) in Brighton & Hove. Some agree with the policy while others believe it is not effective or necessary, pointing out that there is not enough demand for Wheelchair Accessible Vehicles. Some respondents suggest that the percentage of Wheelchair Accessible Vehicles should be lower, such as 5% while one suggests increasing it to 40%. A common concern is that having Wheelchair Accessible Vehicles in the fleet does not guarantee that drivers will accept wheelchair work, and some respondents feel that drivers should not be able to refuse these jobs. There are also comments about the policy not being applied to companies like Uber and the difficulty for operators to manage the required number of Wheelchair Accessible Vehicles. Some respondents believe the policy is unfair or nonsensical, arguing that it is discriminatory against potential drivers creates a disincentive to license in Brighton & Hove and is difficult for operators to meet due to challenges in recruiting

new drivers. There is also a sentiment that the number of Wheelchair Accessible Vehicles is not the problem, but rather ensuring that they are utilised properly. Overall, the responses indicate a need for a review of the policy's effectiveness and its adjustment to better match the actual demand for Wheelchair Accessible Vehicles and ensure that wheelchair users receive the services they need.

- 3.16** Officers do not believe this change will significantly impact the overall availability of these vehicles. This is because it is expected that the same total number of vehicles will still be available, even though the 20% requirement for wheelchair-accessible vehicles is being removed. This is because drivers will still need to stay on their choice of circuit(s) to get work. The main difference is that operators will now be able to provide more work to drivers who have Brighton & Hove Licenses, without having to ensure that 20% of their fleet is wheelchair accessible. This means they have more flexibility in how they allocate vehicles and drivers. So, while there may be a small reduction in the number of wheelchair-accessible vehicles on the circuit, the authorities do not expect this to create a major problem in terms of accessibility, as the total number of these vehicles will remain similar.
- 3.17** Officers believe that it is possible to ensure that operators and drivers provide services to disabled passengers by way of the Equalities Act 2010 and the Taxi and Private Hire Act 2022 while having polices that reflect the Statutory Standards and Best Practice and to mitigate any physical barriers authorities must ensure that due regard is given to the Public Sector Equality Duty (PSED) when taking decisions concerning the provision of taxi and private hire vehicle services and supporting infrastructure, and that reasonable adjustments are made to remove barriers preventing disabled people from accessing taxi and private hire vehicle services.
- 3.18** Currently where the Councils Medical Advisor has deemed that it would be detrimental to a proprietors medical or physical condition are able to exchange their compulsory wheelchair accessible vehicle for a saloon vehicle. This has been at the detriment to the number of wheelchair accessible vehicles available on the fleet. To prevent further erosion of the number of wheelchair accessible vehicles available officers recommend that if a proprietor is unable to drive a wheelchair accessible vehicle due to medical or physical reasons to transfer their compulsory wheelchair accessible vehicle and then be issued a Compulsory Fully Electric, Plug in Hybrid or Wheelchair accessible vehicle. The option for wheelchair accessible remains so that should a vehicle be transferred to another proprietor the new proprietor is not restricted to fully electric or plugin hybrid vehicles and allows the possibility of more wheelchair accessible vehicles on the fleet. Over 73% of respondents agreed with this policy as did members of the Brighton & Hove Consultative Forum.
- 3.19** In October 2022 members agreed the maximum age limit for wheelchair access vehicles may temporarily exceed the normal age limit for a maximum of 4 years until 1st April 2025 provided the vehicle presented is in exceptional condition as confirmed by the inspecting garage, has 3 compliance tests a year and the proprietor is actively looking for a replacement vehicle. Officers recommend that this should be extended to 1st April 2027 due to the current prohibitive cost and lack of availability of new and secondhand wheelchair vehicles. Normally a vehicle may only exceed the normal age limit (10 years) for a maximum of 2 years. Although not part of the survey this

was agreed by members of the Brighton & Hove Consultative Forum due to continuing prohibitive cost of and shortage of vehicles.

- 3.20** Feedback provided by the Electric Vehicle Infrastructure team of the Electric Vehicle survey contained in the Trade Survey can be seen in Appendix 3
- 3.21** Currently only 0.9% of all taxis licensed by Brighton & Hove are fully electric. To encourage the uptake and to help with long term cost of purchasing an electric vehicles officers recommend that fully electric vehicles may be licensed up to 15 years old. This will allow proprietors to spread their costs over a larger time scale. Servicing and maintenance are significantly cheaper for electric vehicles due to fewer moving parts and regenerative braking.
- 3.22** Respondents highlighted several key incentives that would encourage them to purchase electric vehicles (EVs). The most frequently mentioned factors include a reduction in the costs of EVs, improved battery life and range, and faster charging points. Grants or financial assistance to lower the purchase price of EVs were also commonly suggested as significant incentives. Some respondents are interested in technological advancements such as self-charging technology and the possibility of having wheelchair-accessible EVs.

4. Analysis and consideration of alternative options

- 4.1** None – for Information only.

5. Community engagement and consultation

- 5.1** The Consultation was open on the Councils Your Voice website from the 15 August 2024 to the 13 October 2024 and then extended to the 24 November 2024 so that additional stakeholders could respond.

The consultation was open to all members of the public. In addition, a wide selection of stakeholders was emailed directly requesting that their services users/members complete the survey.

- 5.2** The trade consultation was restricted to only licensed drivers, proprietors, and operators and covered taxis that are accessed via one of the city's taxi ranks, hailed as they drive along or booked through a private hire operator in advance.

The consultation was available on the Councils Your Voice website and was available from the 15 August 2024 until 13 October 2024.

The results of the survey and subsequent proposals were discussed at a special meeting with the Trade members of The Brighton & Hove Hackney Carriage & Private Hire Consultation Forum on the 26 November 2024.

6. Conclusion

- 6.1** Members approve officer recommendations.

7. Financial implications

- 7.1 Any costs arising from the recommendations set out in this report will be met from within existing Taxi Licensing revenue budgets.

Name of finance officer consulted: Michael Bentley Date consulted: 23/01/25

8. Legal implications

- 8.1 Under S55(3) of the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach to the grant of an operator's licence such conditions as they may consider reasonably necessary. An Equalities Impact Assessment in relation to the proposals has been undertaken.

Name of lawyer consulted: Rebecca Siddell Date consulted (dd/mm/yy): 26/01/25

9. Equalities implications

- 9.1 Licensing authorities must ensure that a safe hackney carriage and private hire service is freely available to meet the demand across all sectors of the public, especially those vulnerable groups to whom a taxi or private hire vehicle is often the only means of completing a journey.
- 9.2 An Equalities Impact Assessment was undertaken and can be found at Appendix 4. It is believed that the impact of the proposals would be minimal for disabled users with other policies in place to maintain and encourage proprietors to licence wheelchair accessible vehicles. It is believed that this will have a minimal effect for wheelchair users as these vehicles will still be available as drivers will need to continue to receive all work via their chosen operator. It will also mean that operators will be able to have more Brighton & Hove drivers on their circuit without having the restriction of finding more wheelchair accessible vehicles. This will provide a better service for all Brighton & Hove residents. By allowing a proprietor to transfer their current wheelchair accessible vehicle to another proprietor and then issue a new plate to a compulsory fully electric/plug in hybrid the number of wheelchair accessible vehicles available remains the same. Other policies will remain in place to and encourage proprietors to licence wheelchair accessible vehicles.

10. Sustainability implications

- 10.1 By encouraging Electric vehicles pollution will be cut

Supporting Documentation

Appendices

1. Public Report
2. Trade Report
3. EV Summary
4. Equalities Impact Assessment

